

**NEWPORT BEACH HARBOR COMMISSION MINUTES**  
**City Council Chambers**  
**July 11, 2012**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners:       Ralph Rodheim, Chair  
                              Brad Avery  
                              Paul Blank  
                              David Girling  
                              Duncan McIntosh  
                              Karen Rhyne - Absent  
                              Doug West

Staff Members:       Chris Miller, Harbor Resources Manager  
                              Shannon Levin, Harbor Resources Supervisor  
                              Jim Campbell, Principal Planner

Council Liaison:       Mayor Nancy Gardner

**3) PLEDGE OF ALLEGIANCE – Paul Blank**

Chair Rodheim welcomed new Commissioner Paul Blank to the Commission. He thanked the Mayor and City Council for selecting him to serve on the Commission.

**4) PUBLIC COMMENTS**

Chair Rodheim invited public comments on issues that are not on the agenda.

Lee Cassidy, Balboa Island, addressed removal of all boats on North Bay Front and stated that it has opened it up to make it a nice body of water for swimming and suggested it remain as such.

Chair Rodheim agreed, and reported on a Visioning Committee where consideration will be given to open up more of the harbor.

Dan Purcell, Corona del Mar, thanked the speaker for her comments and spoke in favor of having more women participating in City government.

Mayor Gardner stated that unfortunately, no women applied for the Harbor Commission.

There being no others wishing to address the Commission, Chair Rodheim closed the public comments portion of the meeting.

**5) APPROVAL OF MINUTES from June 13, 2012**

Corrections were noted to the minutes of June 13, 2012.

**Motion:** Commissioner Girling made a motion to approve the minutes of the Harbor Commission meeting of June 13, 2012, as amended. Commissioner West seconded the motion, which carried with 5 ayes, 1 abstention (Blank) and 1 absent (Rhyne). Approved.

## 6) CURRENT BUSINESS

Chair Rodheim stated that it has been his pleasure and honor serving as Chair of the Commission for the last year. He referenced goals set at the beginning of his term related to mooring boundaries and administration, and he announced that the Federal Government has approved new mooring boundaries and that all of the new Coast Guard Charts will show the new boundaries. He noted that after the dredging is completed, the new moorings will be placed according to the new boundaries. He indicated that the process lasted approximately seven (7) years.

Chair Rodheim addressed other goals including harbor visioning and completion of the Cruising Guide. Discussion followed regarding challenges with distribution of the latter and it was suggested that Visit Newport Beach be provided with copies to distribute. Chair Rodheim listed other key projects considered during his tenure and provided a brief update on the progress of each.

### A. ***Election of Officers***

The Harbor Commission will elect officers for the 2012-13 year.

#### **Recommendation:**

1. Elect Chairman.
2. Elect Vice-Chairman.
3. Elect Secretary.

Chair Rodheim declared the position of Chairman of the Harbor Commission, vacant, and called for nominations.

Commissioner McIntosh nominated Commissioner West for the position of Chairman.

There being no other nominations, nominations were closed.

Interested parties were invited to address the Commission on this item. There was no response and public comments were closed.

Commissioner West was declared Chairman of the Harbor Commission, unanimously.

Commissioner Rodheim declared the position of Vice-Chairman of the Harbor Commission, vacant, and called for nominations.

Chair West nominated Commissioner McIntosh for the position of Vice-Chairman.

There being no other nominations, nominations were closed.

Interested parties were invited to address the Commission on this item. There was no response and public comments were closed.

Commissioner McIntosh was declared Vice-Chairman of the Harbor Commission, unanimously.

Commissioner Rodheim declared the position of Secretary of the Harbor Commission, vacant, and called for nominations.

Chair West nominated Commissioner Brad Avery for the position of Secretary.

There being no other nominations, nominations were closed.

Interested parties were invited to address the Commission on this item. There was no response and public comments were closed.

Commissioner Avery was declared Secretary of the Harbor Commission, unanimously.

All newly-elected officers took their places on the dais.

Chair West expressed his appreciation, on behalf of the Commission, to out-going Chair Rodheim for his leadership during the past year.

**B. *Balboa Village Citizens Advisory Committee's Implementation Plan for the Balboa Village***

Community Development Department staff will provide an update to the Harbor Commission on the Balboa Village Citizens Advisory Committee's Implementation Plan for the Balboa Village. Full reports and information can be found on the City's website.

**Recommendation:**

4. Receive and file.

Planning Division Principal Planner Jim Campbell presented details of the report addressing background, creation of an ad hoc committee by Council and their subsequent creation of a Citizens Advisory Panel (CAP). He reported on the purpose of the CAP and addressed location of the study area, key issues considered and partnering with Visit Newport Beach for branding and visioning. Mr. Campbell presented details of the vision statement, the Balboa Village Fun Zone, the brand promise of today, review by the CAP and the Neighborhood Revitalization Committee and recommendations. He addressed changing existing signage, results of a survey, different viewpoints, marketing analysis, geographic constraints, commercial opportunities, parking and Coastal Commission entitlements.

Mr. Campbell noted there is market support for a small boutique hotel, residential uses, mixed-use development, ExplorOcean projects and opportunities for a City-owned parcel. He listed the recommendations including a commercial façade improvement program, signage and the creation of streetscape areas and outdoor dining. He presented details of ExplorOcean projects and plans for the Balboa Theater as well as a special events initiative and the possibility of the City hiring a consultant to develop special events for the area. He reported another recommendation involves the creation of an RV camping area on the main Balboa parking lot noting that the City of Huntington Beach has implemented a successful RV camping area that generates revenue for the city. In addition, he presented details of a future mixed-use development of the City-owned parcel including possible options.

Commissioner Rodheim added that the Business Improvement District opposed the residential mixed-use development and supported some sort of parking.

Mr. Campbell noted that the item will not be considered until ExplorOcean reveals details of their project.

Mayor Gardner recalled that one of the reasons that Council approved buying the lot for parking was that the Nautical Museum had funds to contribute for parking structure, in the future.

Mr. Campbell reported that a likely possibility is to partner with ExplorOcean to provide additional parking for their use on the lot. He addressed additional funding for the BID by reducing the BID area and the possibility of hiring a coordinator to make all of the BIDs run more efficiently. He reported on planning and zoning noting the are current design guidelines that are being implemented and addressed a parking survey noting there is inadequate parking during certain weekends of the summer. He noted the need for improved management of parking and stated that additional parking is not needed and that current parking is under-utilized. He indicated that current parking prices discourage their use and addressed the need to change the parking pricing structure within the village. Mr. Campbell presented various possible prices for parking and stated a recommendation included the creation of a special parking district in Balboa Village for increased revenues.

Mr. Campbell presented the proposed resident-driven initiative relative to a residential parking permit program for overnight parking noting that the issue will need to be reviewed by the Coastal Commission. It must be done in a way that it will not restrict public access to the coast. He addressed implementation of an employee parking program, creation of a shared parking district, improving way-finding signage, improvements to bicycle and pedestrian facilities, encouraging a parking validation program, improvements in streetscapes and landscapes and assuming regular maintenance of the Balboa Fun Zone Boardwalk. He added there is a desire to create a governance structure to ensure implementation of the recommendations and stated all recommendations are described in detail in the report including a schedule for completion over time. He added that all applicable documentation is in the City's website.

It was noted that the need for improved boater access was not addressed and that the issue needs to be considered.

Mr. Campbell indicated that staff is seeking feedback and direction from the Commission in order to move forward with the item and addressed details of next steps.

Interested parties were invited to address the Commission on this item.

Lee Cassidy commented that there is no sense of integration with the water in the area.

Len Bose spoke in support of the RV camping area and agreed with the need for public docks for access to the Fun Zone from the water.

Don Beatty congratulated the Commission on its mooring efforts, indicated that he is opposed to a resident parking permit process on Bay Island and addressed branding for the area noting he favors "Balboa".

Dan Purcell congratulated Chair West on his election and noted this is the last Harbor Commission to meet in the old Council Chambers. In addition, he congratulated Mr. Campbell for the complete and precise report on this issue. He addressed the parking issue, noted most meetings were held during the day and indicated opposition to the name "Balboa Village Fun Zone".

Howard Hall distributed copies of written comments and expressed concerns regarding the proposed resident parking permit plan, recommended extending parking to Medina Way and allowing two-hour free parking in the BID area. He commented on the difficulty in accessing the survey and noted that the option of "Balboa" alone was not offered as a choice. He disagreed with calling the area "Balboa Village Fun Zone".

Jim Mosher commented on the 2020 Brand Vision and referenced a statement that Balboa is recognized as the Newport original town site noting that other areas claim to be so.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Mayor Gardner noted that the plan is very visitor-oriented and was hoping to see how the village will sustain the kinds of businesses supported by local residents. She noted that the matter has been a challenge and hoped that the issue would be addressed when it is presented to Council.

Commissioner Rodheim indicated the importance of the Balboa Theater as visitor-oriented and possible upgrades and additions of restaurants to the area as a result. He indicated that upon implementation of the ExplorOcean project, locals and visitors will be able to enjoy the area and that in order for the area to be successful, it needs the support of residents.

Chair West agreed that Balboa Village is largely inaccessible by water and does not connect with the harbor. He stressed the importance of addressing that issue as well.

Discussion followed regarding the success of the Balboa Inn and Mr. Campbell indicated that the proprietor felt it may be a good idea to build another hotel in the area. Commissioner Rodheim noted that there are

some challenges with the Balboa Inn being near the Cabo Cantina. He added that there will be a new restaurant opening at ExplorOcean later this month.

**C. *Harborside Restaurant Dining Deck at 400 Main Street***

The Harbor Commission will discuss the proposed patio deck development at the Harborside Restaurant located at the Pavilion at 400 Main Street.

**Recommendation:**

1. Advise the Harbor Resources Manager on permitting the dining deck located at Harborside Restaurant at the Pavilion.

Harbor Resources Supervisor Shannon Levin presented details of the project noting that the Pavilion is supported by pilings and is built entirely over tidelands. She reported that the project comes under the Harbor Commission's purview for information. Staff met with the applicant and it is being presented to the Commission for information and to obtain feedback. She addressed the location, existing conditions, location of the proposed platform, relocation of floats and skiffs, occupant limits, conditions of approval, original and revised concepts, indoor and outdoor seating and parking. She presented information regarding possible problems with eel grass, existing overhang and elevations. Ms. Levin addressed the types of materials to be used, lighting and access to the new deck.

The applicant was invited to address the Commission on this item.

John Loomis, Project Architect, offered to respond to inquiries from the Commission and stated that the revised concept addresses the issues raised earlier.

Commissioner Rodheim commended the architect and proprietor for the concept. He suggested care when it comes to amplified music in order to not alienate residents living across the Pavilion.

Brief discussion followed regarding existing guest docks and berthing and availability of appropriate signage.

Ms. Levin reported that the issue of loud music is addressed in the conditions of approval. Direction was given to include the prohibition of amplified sounds.

Chair West noted that project is in keeping with the goal of increasing access to the harbor.

Interested parties were invited to address the Commission on this item.

Jim Mosher inquired regarding whether the pilings are new, how the project will be consistent with the Fire Code and whether the modifications are allowed in the restaurant's existing use permit.

Ms. Levin reported that the project falls under Harbor Resources, that the pilings are all existing and that staff will work with the property owner regarding compliance with the Fire Code in regards to stacking of boats.

Dan Purcell commented that the area needs to be cleaned and cautioned against making claims prior to final approval of the project.

In response to Commissioner Avery's inquiry regarding stacking boats, Ms. Levin reported that Fire Code inspections are conducted several times a year and that violators will be cited. She added that the property owner has been advised that the berthing arrangement will not be allowed.

Patty Humphries spoke in support of the proposed project and thanked the Commission for supporting the Newport Aquatic Center.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

**CONSENSUS:** Members of the Commission concurred in support of the project.

**D. *Newport Aquatic Center Update***

Billy Whitford, Executive Director of the Newport Aquatic Center (NAC), will provide an update on the Newport Autumn Rowing Festival as well as an overview of the programming at the Center.

**Recommendation:**

1. Receive and file.

Billy Whitford, Executive Director of the Newport Aquatic Center (NAC), invited Members of the Commission to visit the facility and address location, the organization's mandate, and a Joint Powers Agreement between the City and County. He presented a history of the project as well as an update and the purpose of the Center, facilities on the site, emphasis on youth programs, public access, outreach programs and details of some of their programs. He addressed the Junior Rowing Program, water workouts, and races in the fall and spring. He presented an update on the Newport Autumn Rowing Festival, alumni, staffing, parent support and the impact on the harbor. He addressed challenges and the possibility of involving the City in the organization's activities and presented a proposal for changing the race course for increased safety and competitive opportunities. He noted challenges with the existing ferry service and addressed promotion and sponsor opportunities.

In response to Mayor Gardner's inquiry, Mr. Whitford reported on the location of boat staging, number of boats and divisions, number of meters in the course, boat traffic in the month of November and the start time of the race.

Commissioner Rodheim suggested approaching the Balboa Improvement District for support and increased visibility to residents.

Mayor Gardner encouraged moving the item through the City as expeditiously as possible and noted that signs should be posted on the bridge leading into the Island to advise people regarding the ferry schedule. She also suggested that Mr. Whitford contact the City's Recreation Services to obtain information regarding other events occurring during the scheduled events.

Interested parties were invited to address the Commission on this item.

Dan Purcell commented positively on the NAC and the types of boats used and noted that rowers are not ruffians. He encouraged increased visibility. In addition he expressed appreciation for having an outside service transcribe the minutes.

Patty Humphries commented positively on Mr. Whitford and the programs of the NAC.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Commissioner Blank reported there will be a Small Boat Sailing Regatta on Saturday, November 3, 2012 in the afternoon in the area.

Commissioner Avery commented positively on Mr. Whitford's work and efforts.

**E. *Appointment of Commissioners to the 2012-13 Goals Subcommittee***

The Harbor Commission will nominate no more than (3) Commissioners to serve on the 2012-13 Goals Subcommittee which will recommend goals for the Harbor Commission, then report back at the Commission Study Session in August 2012.

**Recommendation:**

1. Nominate no more than three (3) Commissioners to serve on the 2012-13 Goals Subcommittee.

Chair West reported that staff will provide notice for a study session to be held August 8, 2012, at 4:30 p.m., prior to the regular meeting of the Harbor Commission, to focus on the goals to be defined for the upcoming year. In preparation for the study session, he asked that Brad Avery and Duncan McIntosh, along with himself, serve on a subcommittee to develop ideas for specific goals for the coming year. He asked that Commissioners not on the subcommittee send individual communications with ideas and suggestions regarding goals for the Commission for the upcoming year.

Interested parties were invited to address the Commission on this item.

Dan Purcell indicated support for the subcommittee and indicated that all of his previous comments have been in regards to items on the agenda.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

**CONSENSUS:** Members of the Commission concurred to accept Chair West and Commissioners Avery and McIntosh to serve on the 2012-13 Goals Subcommittee.

## **7) SUBCOMMITTEE REPORTS**

Commissioner Avery commented on the Visioning for the Harbor Commission and reported presenting a brief report at the end of the Tidelands Management Committee noting the challenges related to properties being privately owned by different individuals. He reported researching the Harbor and Bay Element of the General Plan and the Harbor Area Management Plan and commented positively on those documents. Commissioner Avery reported meeting with a group of stakeholders to present the Harbor and Bay Elements and obtain feedback. He addressed the Lower Castaways and Spider Island and reported that he compiled a list of significant items to be considered. Other items include Mariner's Mile Walkway, enhancing useability with floating marinas, summer water taxi service, increased Code Enforcement and long-term dredging. Commissioner Rodheim suggested consideration of harbor lines. Commissioner Avery added that he was unable to come up with any compelling reason to move the lines.

Discussion followed regarding the importance of staying familiar with the documents referenced.

Commissioner McIntosh commented on temporary anchorage and noted less traffic and no major issues with charter boats. He reported the possible need for some adjustments for an upcoming boat show in September.

## **8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Mayor Gardner reported that the proposed final list of Tideland projects will be presented at the next meeting of the Tidelands Management Committee, within a five-year window. In addition, the Committee will be considering how they coincide with HAMP and the Harbor and Bay Element provisions. The item will be heard by the Harbor Commission in August, with instructions from Council. In addition, there will be an update on the dredging project at the upcoming Tidelands Management Committee meeting. She announced an upcoming study session on SEAC and the possibility of improving the process.

## **9) HARBOR RESOURCES UPDATE**

Harbor Resources Manager Chris Miller presented an update on the harbor dredging project noting that the Port of Long Beach has placed a hold on the project to address a few issues. He addressed areas that will be presented to Council at an upcoming meeting. He provided a timeline on the Balboa Marina Public Dock project and noted that the upcoming study session will start at 4:30 p.m. on August 8, 2012.

Interested parties were invited to address the Commission on this item.

Dan Purcell commented on the need to address Commissioner absences and briefly addressed the SEAC.

There being no one else wishing to address the Commission, Chair West closed public comments for this item.

**10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

Commissioner Rodheim announced the upcoming Governor's Cup International Match Racing Championship.

**11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

- Noise in the harbor
- Code Enforcement Presentation

Chair West encouraged discussion of Council Liaison assignments at the upcoming study session.

**12) DATE AND TIME FOR NEXT MEETING:**

Wednesday, August 8, 2012 – Study Session at 4:30 p.m., Regular Meeting at 6:00 p.m.

**13) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:34 p.m.

A handwritten signature in black ink, appearing to be 'M. West', with a long horizontal line extending to the right.